



Dated: March 16, 2020
The following is SO ORDERED:


Paulette J. Delk
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

In Re:)	
)	
CAH ACQUISITION COMPANY 11, LLC,)	Case No. 19-22020-PJD
)	Chapter 11
Debtor.)	
)	

**AMENDED ORDER APPROVING MOTION FOR AUTHORITY TO OBTAIN CREDIT
UNDER SECTION 364(B), RULE 4001(C) OR (D) RE INSURANCE PREMIUM
AGREEMENT WITH IPFS CORPORATION**

Upon the consideration of the Motion for Authority to Obtain Credit Under Section 364(b), Rule 4001(c) or (d) re Insurance Premium Agreement with IPFS Corporation (“Motion for Authority”) filed on January 31, 2020 by CAH Acquisition Company 11, LLC (“CAH” or “Debtor”) [Dkt No. 175], the Court finds and orders relief *nunc pro tunc* to January 31, 2020 as follows:

1. This Court has jurisdiction over the matters raised in the Motion for Authority pursuant to 28 U.S.C. §§ 157 and 1334.

2. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2) for which it is proper for this Court to enter final orders.

3. Debtor filed the Motion for Authority on or about January 31, 2020. [Dkt. No. 175].

4. Proper and adequate notice of the Motion for Authority was provided to all interested parties as outlined in the February 5, 2020, BNC Certificate of Mailing [Dkt. No. 178], which forwarded a copy of the Notice of Hearing Combined with Related Information re: Form, Manner and Servicing of Notice (“Notice of Hearing”) [Dkt. No. 177] and no other or further notice is necessary.

5. In accordance with the Notice of Hearing, any objection to the relief requested in the Motion for Authority was required to be filed on or before February 24, 2020. [Dkt. Nos. 177 and 178].

6. On February 26, 2020, Debtor filed a Certificate of Compliance with L.B.R. 9013-1 (the “Certificate”) pursuant to L.B.R. 9013-1 to provide notice to this Court that, upon diligent search and/or inquiry by Debtor, no objection was filed to the Motion for Authority. [Dkt. No. 198].

7. Pursuant to L.B.R. 9013-1, the Motion for Authority is hereby GRANTED, and the hearing on the Motion for Authority shall be cancelled.

8. The Debtor is hereby authorized to enter into and to perform under the Agreement attached to the Motion for Authority and to execute and deliver such documents and amendments

to the Agreement that the Debtor and IPFS may deem reasonably necessary or desirable to carry out the Agreement.

9. The Debtor is authorized to grant to IPFS a first priority security interest (the “Lien”) in the Policies including (but only to the extent permitted by applicable law); (i) all money that is or may become due under the Agreement because of a loss under the policies that reduces unearned premiums (subject to the interest of any applicable mortgagee or loss payee); (ii) any return of premiums or unearned premiums under the Policies; and (iii) any dividends that may become due the Debtor in connection with the policies.

10. The Lien granted to IPFS in paragraph 9 shall be senior to any security interests and/or liens granted to any other secured creditors in this Case.

11. In the event Debtor fails to make a payment when due under the terms of the Agreement, IPFS, may, in accordance with the terms of the Agreement, cancel the Policies (without further order of this Court) after providing at least ten (10) days’ notice of intent to cancel if Debtor does not pay any installment according to the terms of the Agreement. IPFS shall send any notice of intent to cancel to Debtor, Marianna Williams, Debtor’s counsel and Stone Bank.

12. To the extent IPFS has extended credit to the Debtor in good faith, the reversal or modification of this Order on appeal shall not affect the validity of the debt owed to IPFS or the priority of its liens, as provided in Section 364(e) of the Bankruptcy Code.

IT IS SO ORDERED.

Submitted for entry:

/s/ M. Ruthie Hagan

E. Franklin Childress, Jr. (TNB # 007040)

M. Ruthie Hagan (TNB # 026839)

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PERSONS TO BE SERVED WITH FINAL ORDER:

The Mailing Matrix